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84TH CONGRESS
1ST SESSION

H. R. 6590

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1955

Mr. BENNETT of Florida introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To prohibit the employment by the Government of the United States of persons who are disloyal or who believe in the right to strike against the Government of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled.*

3 That no person shall accept or hold office or employment in
4 the Government of the United States or any agency thereof,
5 including wholly owned Government corporations, who—

6 (1) advocates the overthrow of our constitutional
7 form of government in the United States;

8 (2) is a member of an organization that advocates
9 the overthrow of our constitutional form of government

1 in the United States, knowing that such organization
2 so advocates;

3 (3) participates in any strike against the Govern-
4 ment of the United States or such agency; or

5 (4) is a member of an organization of Government
6 employees that asserts the right to strike against the
7 Government of the United States or such agencies,
8 knowing that such organization asserts such right.

9 SEC. 2. (a) Except as provided in subsection (b),
10 every person who accepts office or employment in the
11 Government of the United States after the date of enact-
12 ment of this Act, shall, not later than sixty days after he
13 accepts such office or employment, execute an affidavit
14 that his acceptance and holding of such office or employ-
15 ment does not or (if the affidavit is executed prior to ac-
16 ceptance of such office or employment) will not constitute
17 a violation of the first section of this Act. Such affidavit
18 shall be considered prima facie evidence that the acceptance
19 and holding of office or employment by the person executing
20 the affidavit does not or will not constitute a violation of
21 such section.

22 (b) An affidavit shall not be required from a person
23 employed by the Government of the United States for less
24 than sixty days for sudden emergency work involving the
25 loss of human life or the destruction of property. This sub-

1 section shall not relieve any person from liability for viola-
2 tion of the first section of this Act.

3 SEC. 3. Any person who violates section 1 of this Act
4 shall be guilty of a felony, and shall be fined not more
5 than \$1,000 or imprisoned not more than one year and
6 a day, or both.

7 SEC. 4. The following parts of Acts are hereby re-
8 pealed:

9 (1) Section 612 of the Housing Act of 1949 (42
10 U. S. C., sec. 1445) ;

11 (2) Section 9A of the Act entitled "An Act to pre-
12 vent pernicious political activities", approved August 2,
13 1939 (5 U. S. C., sec. 118j) ; and

14 (3) Section 305 of the Labor Management Relations
15 Act, 1947, as amended (29 U. S. C., sec. 188) .

A BILL

To prohibit the employment by the Government of the United States of persons who are disloyal or who believe in the right to strike against the Government of the United States, and for other purposes.

By Mr. BENNETT of Florida

JUNE 1, 1935

Referred to the Committee on Post Office and Civil
Service

June 22, 1955

14. PERSONNEL. The "Daily Digest" states that "Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 67, to adjust the rates of basic compensation of certain officers and employees of the Federal Government. As agreed by the conferees, the bill would -- (1) Provide a 7.5-percent increase retroactive to March 1, 1955; (2) Increase by \$5 each the figures in the House-passed bill in grades Nos. 2, 3, 5, 7, 8, 11, and 13; (3) Include all classified employees in the executive branch of the Government, including the D. C. Government, and all legislative and judicial employees; and (4) Increase the total cost of the bill to the Government to \$328,383,000" (p. D601).
The Post Office and Civil Service Committee ordered reported H. R. 6590, to prohibit the employment by the Federal Government of persons who are disloyal or who believe in the right to strike against the Government (p. D600).
The Judiciary Committee ordered reported H. J. Res. 157, to establish a Commission on Government Security (p. D600).
15. AUDITING. Received from the Comptroller General a report on the audit of ACPS; to Government Operations Committee (p. 7719).
16. VETERANS' BENEFITS. The Veterans' Affairs Committee reported without amendment H. R. 4006, to provide that education and training allowances paid to veterans pursuing institutional on-farm training shall not be reduced for 12 months after they have begun their training (H. Rept. 881) (p. 7719).
17. INVESTIGATIONS. Adopted as reported H. Res. 266, to authorize the Agriculture Committee to make investigations into certain matters within its jurisdiction (pp. 7661-2). Reps. Patman and Cooley discussed the extent the investigation would apply to the family-type farm (p. 7662).
18. CUSTOMS SIMPLIFICATION. Passed as reported H. R. 6040, to amend the administrative provisions of the Tariff Act of 1930 and to repeal obsolete provisions of the customs laws (pp. 7662-81). Rejected, 143 to 232, a motion by Rep. Simpson to recommit the bill (pp. 7680-1).
19. FOREIGN AID. The Foreign Affairs Committee ordered reported with amendments S. 2090, the mutual security bill (p. D598). The "Daily Digest" states that: The committee reduced the required figure for the use of agricultural surplus from the \$300 million in the Senate bill to 250 million as requested by the executive branch; eliminated the 50-50 shipping clause from the transport of agricultural commodities not only under this act, but also under Public Law 480, the surplus agricultural disposal act; extended for 1 year the law permitting free import privileges for personal and household effects brought into the U. S. by Government employees returning from foreign assignment (p. D598).
20. DAIRY PROGRAM. Rep. Johnson, Wis., inserted various farm organization statements outlining their suggestions for a dairy program (pp. 7690-7714).
21. PROPERTY. The Interior and Insular Affairs Committee ordered reported with amendment H. R. 6692, to transfer land and buildings now used for research under cooperative agreement with the Virgin Islands Corporation (p. D599).
22. FOREIGN TRADE. Received a report of the National Advisory Council on International Monetary and Financial Problems; to Foreign Affairs Committee (H. Doc. 194) (p. 7661).

23. LANDS. The Interior and Insular Affairs Committee ordered reported H. R. 4096, to provide for the disposal of public lands within highway, telephone, and pipeline withdrawals in Alaska, subject to appropriate easements, etc. (p. D599).

ITEMS IN APPENDIX

24. FOREST SERVICE. Rep. Landrum inserted an editorial commending the work of the Forest Service and approving of the increase in its appropriation (p. A4536).
25. RECLAMATION; ELECTRIFICATION. Rep. Baldwin inserted an editorial from the San Francisco Chronicle pointing out that there is still a chance that the Echo Park Dam project may be included in the upper Colorado River development project (p. A4536).
- Senator Neuberger inserted two statements by the Citizens Committee on Natural Resources, warning against the passage of the upper Colorado reclamation bill on the grounds that it may still permit the building of Echo Park Dam (pp. A4545-6).
- Rep. McDonough opposed the upper Colorado project, stating that it would divert some of California's share of water to other areas, and inserted some correspondence in which the president of the California Taxpayers Association challenged the accuracy of cost estimates for this project (pp. A4566-7).
- Rep. Hosmer inserted a newspaper editorial denouncing the upper Colorado project as socialistic and extravagant (p. A4568). He also inserted a statement criticizing the Emery irrigation project, Utah, a part of the upper Colorado project (p. A4573).
- Rep. Allott inserted letters and statements, including a statement from REA, describing terms of a contract of the Southern Colorado Co. to supply power to three Colorado cooperatives (pp. A4544-5).
- Sen. Lehman inserted a statement of his views regarding the St. Lawrence River project in relation to a proposed contract between the New York Power Authority and Alcoa Aluminum Co., and included a lengthy discussion of the principles of public power development in general (pp. A4539-43).
- Sen. Morse inserted an article from the Yakima, Wash. Morning Herald warning that the time is getting short for approval of construction of a high dam at Hells Canyon (pp. 4548-9).
- Speech in the House by Rep. Miller, N. Y., opposing authorization of the Trinity River Division of the Central Valley project as now proposed and urging its development in the future by private power interests (pp. A4562-3).
26. CONSERVATION. Sen. Morse inserted two student essays, "What Conservation Means to Me" (pp. A4546-7).
27. LIVESTOCK. Rep. Miller, Nebr., inserted a resolution of the Nebraska Stock Growers Association giving its position on various Government farm policies (p. A4547).
28. FOREIGN TRADE. Rep. Scudder inserted a newspaper editorial urging higher tariffs on crabmeat and tuna imported from Japan (p. A4550).
- Rep. Addonizio inserted an Italian-American newspaper article charging that tariff barriers against Italian imports are strengthening Communism in Italy (p. A4559).

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued July 8, 1955
For actions of July 7, 1955
84th-1st, No. 115

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HIGHLIGHTS: Senate committee reported bills to increase funds for Public Law 480 and transfer its administration to USDA; include onions under CEA; amend Farm Tenant Act; provide for USDA report on tobacco research program; request USDA report on tobacco research program; request USDA report on agricultural weather forecasting. Both Houses agreed to conference report on mutual security bill. House committee ordered reported bill to provide retirement credit for certain State service. House received conference report on public works appropriation bill.

HOUSE

1. APPROPRIATIONS. Received the conference report on H. R. 6766, the public works appropriation bill, which includes funds for the Atomic Energy Commission, the Tennessee Valley Authority, certain functions of the Interior Department, and certain civil functions of the Army (H. Rept. 1085) (p. 8678-83).
Received and agreed to the conference report on H. R. 6829, to authorize certain construction at military, naval, and Air Force installations, including a provision for financing certain military housing by furnishing surplus agricultural commodities (H. Rept. 1083) (pp. 8661-71).
2. FOREIGN AID. Both Houses agreed to the conference report on S 2090, the mutual security aid bill (pp. 8633-5, 8656-9). This bill is now ready for the President. See Digest 114 for statement.
3. FOREIGN TRADE. Passed as reported H. R. 6059, the bill to revise the Philippine Trade Agreements Act (pp. 8648-54).
4. PERSONNEL. The Post Office and Civil Service Committee ordered reported the following bills: H. R. 6590, to prohibit Federal employment to disloyal persons or to those who believe in the right to strike against the Federal

Government; S. 1041, to include certain State service in computation of accrued service toward annuity; S. 1792, to amend the Federal Employees Group Life Insurance Act, regarding assumption of funds of non-profit association of Federal employees (p. D676).

The Post Office and Civil Service Committee recommended that a resolution be introduced giving the committee authority to investigate postal and civil-service matters under its jurisdiction (p. D676).

5. MINING; FORESTS. The Rules Committee reported a resolution waiving points of order and providing for debate on H. R. 6373, to extend programs to encourage the discovery, development, and production of certain domestic minerals (p. 8659).
6. ORGANIZATION. Rep. Reece inserted the statement of Mr. Hoover on June 30, 1955 which marked the end of his chairmanship of the Hoover Commission (pp. 8677-8).
7. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 4308, for the relief of desert land entrymen whose entries are dependent upon percolating waters for reclamation (H. Rept. 1084) (p. 8684).
8. LEGISLATIVE PROGRAM. The "Daily Digest" states that the House program will be as follows: "Mon., July 11, the mutual security appropriation bill; Tues., July 12, the Farm Credit Act of 1955; Wed., July 13 and balance of the week, minimum wage bill, Social Security Act amendments for 1955, H. R. 6373, extension of Domestic Minerals Program Act of 1953, and H. R. 7089, the Servicemen's and Veterans' Survivor Benefits Act." (p. D677).
9. WHEAT TRANSPORTATION. Rep. Cannon deplored the shortage of transportation facilities for the new wheat crop and suggested that the Department not ship old grain during the period when the new crop is being prepared for shipment (p. 8471, July 5).
10. FORESTRY. Passed as reported H. R. 605, which would abolish the 80-rod reservation of public ownership between public land claims located on shore waters in Alaska (pp. 8489-90, July 5).
11. ACCOUNTING. As reported (June 29), H. R. 7035 authorizes the Comptroller General to authorize reimbursement from available appropriations or funds of disbursing or other accountable officers or agents for amounts paid by them or in their behalf in restitution of an actual physical loss or deficiency. This would apply to amounts paid by or on behalf of such officers since August 1, 1947, the date of the existing law now authorizing relief but not reimbursement.
As reported (June 29), H. R. 7034 authorizes the Comptroller General to relieve a disbursing officer of accountability and responsibility, and to allow credit in his official disbursing accounts for a deficiency, when it has been determined that such payments were not the result of bad faith or lack of due care on the part of such disbursing officer for whom relief is sought. It further provides that relief may be denied in any case in which the Comptroller General determines that the department or agency concerned has not diligently pursued collection action in accordance with procedures prescribed by the Comptroller General.
12. ADJOURNED until Mon., July 11 (p. 8684).

July 12, 1955

for each of the critical target areas during time of danger. The committee report states: "The Committee has not approved the budget estimate of \$3,050,000 for financing delegations of authority made by the Federal Civil Defense Administration to six different departments and agencies. Similar amounts were denied previously in the regular budget submissions of some of the agencies represented...the Committee can see no sufficient difference from the normal programs and responsibilities of the agencies concerned to warrant extra appropriations. Each agency already has primary responsibility in the fields of delegated authority and civil defense features can be integrated into regular operations just as is the case in the Department of Agriculture where no additional funds are requested, and as many of the same agencies are already doing with defense mobilization activities."

GSA expenses in connection with the buildings lease-purchase program, \$15,000,000.

Moving and space costs of GSA in connection with relocation of warehouse management and other employees into office space in the regional warehouses where they will occupy less costly space and be more closely situated to operations, \$300,000.

Authority for the "strategic and critical materials" appropriation to be used for costs in connection with strategic materials purchased with foreign currencies under the Agricultural Trade Development and Assistance Act of 1954.

Prohibition against use of any money for construction of transmission facilities to connect with the Dixon-Yates generating plant.

Claims, audited claims, and judgments against the U. S., various amounts.

The committee report states that "the Committee considered language proposed...for establishment of a working capital fund" for the Forest Service "but disapproves the proposal at this time, pending a further study."

The report includes the following statement: "During hearings on the Independent Offices Appropriation Act for 1956 the need for a Government-wide air conditioning program was thoroughly developed and at that time it was suggested to the General Services Administration that they work out a comprehensive plan for air conditioning those Federal buildings throughout the United States that require it, and that the matter be carefully prepared and presented through the Bureau of the Budget next year so consideration can be given by the Committee for a program to be started during fiscal year 1957. The Committee doubts the advisability of accomplishing air conditioning of buildings on a piece-meal basis for the reason that it is more satisfactory and less costly over a period of years to follow an orderly program."

Considered the conference report on H. R. 6766, the public works appropriation bill, which contains funds for the Atomic Energy Commission, Tennessee Valley Authority, certain agencies of the Interior Department, and civil functions of the Army; but deferred a vote on the conference report until Wed., July 13 (pp. 8858-67).

4. FOREIGN TRADE; SURPLUS COMMODITIES. Both Houses received the second progress report on activities carried on under Public Law 480, 83rd Congress (H. Doc. 216) (pp. 8827, 8857-8).
5. FARM CREDIT. Passed as reported H. R. 5168, providing for retirement of the Government capital in certain institutions operating under the supervision of the Farm Credit Administration, increasing borrower participation in the management and control of the Farm Credit system, etc. (pp. 8868-77).

6. PERSONNEL. The Post Office and Civil Service Committee reported with amendment the following bills: S. 1041, providing for the inclusion in computation of retirement certain State service rendered (H. Rept. 1127); S. 1792, to amend the Federal Employees' Group Life Insurance Act, 1954 (H. Rept. 1128); H. R. 6590, to prohibit employment by the Federal Government of persons disloyal to the United States or who believe in the right to strike against the United States (H. Rept. 1152) (p. 8906).
 7. FOOD AND DRUG. Rep. Sullivan urged consideration of her proposal to increase appropriations for the Food and Drug Administration in order to increase its efficiency and effectiveness (pp. 8877-9).
 8. RECLAMATION. Rep. Thomson, Wyo., defended the reclamation program as being relatively economical and contributive to the agricultural wellbeing of the Nation (pp. 8867-8).
 9. FOREIGN AID. Several Representatives discussed American Foreign policy. Rep. Knutson urged consideration of an international agricultural products reserve plan (pp. 8880-8901).
 10. PENALTY MAIL. The Post Office and Civil Service Committee reported without amendment H. R. 5856, to repeal the requirement for heads of departments and agencies to report to the Postmaster General the number of penalty envelopes and wrappers on hand at the close of each fiscal year (H. Rept. 1129) (p. 8906).
 11. INCOME TAX. The Ways and Means Committee ordered reported H. R. 4731, to amend the Internal Revenue Code concerning capital gains and losses on sale of land with unharvested crop (p. D696).
 12. LEGISLATIVE PROGRAM. The "Daily Digest" states that on Wed., July 13, "the House will vote on the adoption of the conference report on H. R. 6766, the public works appropriation bill..." (p. D693).
- SENATE
13. BONDING EMPLOYEES. The Post Office and Civil Service Committee reported with amendment H. R. 4778, to provide for the purchase of bonds to cover postmasters, officers, and employees of the Post Office Department and mail clerks of the Armed Forces (S. Rept. 827) (p. 8828). The "Daily Digest" states that the amendment would cover all Federal employees (p. D692).
 14. IMMIGRATION. Sen. Kennedy inserted four newspaper editorials discussing the resolution he introduced to establish a bipartisan commission to review the immigration and naturalization policies (pp. 8835-6).
 15. FOREIGN AID. Sen. Carlson commended individuals and organizations that raise money for foreign aid, and discussed the amount of surplus commodities purchased by the Church World Services (p. 8832).
 16. LANDS. The Interior and Insular Affairs Committee ordered reported H. R. 4894, which would repeal certain obsolete laws relating to disposals of land under the timber and stone laws, and H. R. 605, which would abolish the 80-rod reservation of public ownership between public land claims located on shore waters in Alaska (p. D691).

PROHIBITING THE EMPLOYMENT BY THE GOVERNMENT OF THE
UNITED STATES OF PERSONS WHO ARE DISLOYAL OR WHO PAR-
TICIPATE IN OR ASSERT THE RIGHT TO STRIKE AGAINST THE
GOVERNMENT OF THE UNITED STATES

JULY 12, 1955.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. TUMULTY, from the Committee on Post Office and Civil Service,
submitted the following

REPORT

[To accompany H. R. 6590]

The Committee on Post Office and Civil Service, to whom was
referred the bill (H. R. 6590) to prohibit the employment by the
Government of the United States of persons who are disloyal or who
believe in the right to strike against the Government of the United
States, and for other purposes, having considered the same, report
favorably thereon with amendments and recommend that the bill,
as amended, do pass.

AMENDMENTS

(1) The amendment to the text of the bill is as follows:

Page 2, line 3, after "any strike" insert "or asserts the right to
strike".

The purpose of this amendment is to prevent the employment in
the Federal Government of any person who asserts the right to strike
against the Government or any agency thereof.

(2) The title of the bill is amended so as to read:

A bill to prohibit the employment by the Government of the United States of
persons who are disloyal or who participate in or assert the right to strike against
the Government of the United States, and for other purposes.

The purposes of this amendment are (1) to clarify the title of the
bill and (2) to conform the title with the text of the bill as amended.

STATEMENT

This legislation will clarify and consolidate in a single, permanent,
penal statute the rider reenacted each year in appropriation acts, as

well as certain similar permanent provisions in existing law, which in effect prohibit the employment by the Government of (1) any person who advocates overthrow of our constitutional form of government or belongs to an organization that so advocates and (2) any person who strikes against the Government or belongs to an organization of Government employees that asserts the right to strike against the Government.

The appropriation rider first appeared in the Fourth Supplemental National Defense Appropriation Act, 1941, without the language relating to striking against the Government. With seven exceptions, it was repeated in each regular, deficiency, and supplemental appropriation act through May 18, 1946. The Third Urgent Deficiency Appropriation Act, 1946, broadened the rider to include any person who strikes against the Government or who is a member of an organization which asserts the right to strike against the Government. With three exceptions, the rider as thus broadened has been repeated in all subsequent regular, deficiency, and supplemental appropriation acts to date.

Existing law also contains three permanent provisions which are somewhat similar, in effect, to the appropriation rider. They are (1) section 612 of the Housing Act of 1949 (42 U. S. C., sec. 1445); (2) section 9A of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939 (5 U. S. C., sec. 118j), known as the Hatch Act; and (3) section 305 of the Labor-Management Relations Act, 1947, as amended (29 U. S. C., sec. 188), known as the Taft-Hartley Act.

Section 612 of the Housing Act of 1949 is repeated, in substance, in paragraphs 1 through 4, inclusive, of the first section of H. R. 6590.

Section 9A of the Hatch Act prohibits employment of persons who are members of—

any political party or organization which advocates the overthrow of our constitutional form of government in the United States.

This provision is reenacted in paragraph 2 of the first section of H. R. 6590.

Section 305 of the Taft-Hartley Act requires the discharge of persons who strike against the Government. This is repeated in paragraph (3) of the first section of the bill.

Accordingly, since H. R. 6590 includes all of these provisions of existing law such provisions will be repealed.

Hearings were held at which representatives of the Civil Service Commission, the Department of Justice, and a number of Government employees' organizations appeared and testified favorably on H. R. 6590. There were no objections.

GENERAL ANALYSIS

The first section of the bill, as amended, will prohibit the employment in the Federal Government, or in any agency thereof, of any person who (1) advocates the overthrow of our constitutional form of government in the United States; (2) is a member of an organization that advocates overthrow of the Government, knowing of such advocacy; (3) participates in any strike against the Government or any such agency; (4) asserts the right to strike against the Government; or (5) belongs to an organization of Government employees

that asserts the right to strike against the Government, or against such agencies, knowing that such organization asserts such right to strike.

Section 2 (a) of the bill requires that, except as provided in subsection (b), every person accepting Federal office or employment, within 60 days after entering on duty, shall execute an affidavit that in doing so he does not violate the first section of the bill. The affidavit will be prima facie evidence that there is no such violation.

Section 2 (b) provides that an affidavit will not be required from a person employed for less than 60 days for sudden emergency work involving the loss of life or destruction of property, but that this exception will excuse no one from liability for violation of the first section of the bill.

Section 3 makes any violation of the first section of the bill a felony, for which the penalty shall be a fine of not more than \$1,000 or imprisonment for not more than 1 year and a day, or both.

The favorable report of the Civil Service Commission and the report of the Department of Justice interposing no objections to a similar bill (H. R. 617) follow:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 21, 1955.

HON. TOM MURRAY,

*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

DEAR MR. MURRAY: This is in reply to your request of June 21 for the Commission's views on H. R. 6590, a bill to prohibit the employment by the Government of the United States of persons who are disloyal or who believe in the right to strike against the Government of the United States, and for other purposes.

The bill would provide that no person shall accept or hold office or employment in the Government of the United States who (1) advocates the overthrow of our constitutional form of government in the United States; (2) is a member of an organization that advocates such overthrow, knowing that the organization so advocates; (3) participates in a strike against the Government; or (4) is a member of an organization that asserts the right to strike against the Government, knowing that the organization asserts such right. The bill further provides that every person who accepts office or employment in the Government shall, not more than 60 days later, execute an affidavit that his employment will not constitute a violation of the statute. Affidavits would not be required from persons employed for less than 60 days for sudden emergency work involving the loss of human life or the destruction of property. Violation of the statute would constitute a felony punishable by a fine of not more than \$1,000 or imprisonment for not more than 1 year and a day, or both.

The bill would repeal section 612 of the Housing Act of 1949 (42 U. S. C. 1445); section 9A of the Hatch Act (5 U. S. C. 118j); and section 304 of the Labor Management Relations Act (29 U. S. C. 188). Section 612 of the Housing Act is substantially identical in its provisions to H. R. 6590, but is limited in its application to employment in the Housing and Home Finance Agency and the Department of Agriculture. Section 9A of the Hatch Act makes it unlawful for any person employed in the Government "to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States." The only penalty provided is removal from the service, with the provision that appropriated funds shall not thereafter be used to pay the compensation of such person. Section 304 of the Labor Management Relations Act forbids striking by Government employees, requires the discharging of an employee who strikes and the forfeiture of his civil-service status, if any, and makes him ineligible for employment for 3 years.

For some years provisions similar to the proposed legislation have appeared in appropriation acts each year. The Commission believes that H. R. 6590 represents desirable legislation, since it would put such legislation into permanent form, and would also consolidate and supersede the several statutes which now partially cover the subject.

Time has not permitted clearance of this report with the Bureau of the Budget. However, the Bureau advised it had no objection to our report on H. R. 617, a bill similar to H. R. 6590.

By direction of the Commission.

Sincerely,

PHILIP YOUNG, *Chairman.*

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, April 25, 1955.

HON. TOM MURRAY,
*Chairman, Post Office and Civil Service Committee,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 617) to prohibit the employment by the Government of the United States of persons who are disloyal or who believe in the right to strike against the Government of the United States, and for other purposes.

The bill would make it a felony for any person to accept or hold office or employment in the Government of the United States who (1) advocates the overthrow of that Government by force or violence, (2) is a member of an organization that advocates such overthrow, knowing that such organization advocates the same, (3) engages in a strike against the Government, or (4) is a member of an organization of Government employees that asserts the right to strike against the Government.

Section 2 (a) of the measure would provide for the execution, by persons accepting office or employment in the Government of the United States, of affidavits to the effect that their acceptance and holding of such office or employment does not or will not constitute a violation of the bill's prohibitions. Subsection (b) would exempt from the application of subsection (a) persons employed by the Government of the United States for less than 60 days for sudden emergency work involving the loss of human life or the destruction of property. Such persons, however, would not be relieved of liability for a violation of the prohibitions contained in the bill. Section 4 would repeal section 612 of the Housing Act of 1949, a section which, with respect to officers or employees of the Housing and Home Finance Agency and the Department of Agriculture, contains provisions similar to those which would be provided for generally by this measure.

Whether or not this bill should be enacted constitutes a question of policy concerning which the Department of Justice prefers to make no comment. However, there are certain matters to which the attention of the committee is invited.

The prohibitions contained in section 1 of the bill are not new. Under existing law persons entering the employ of the United States are required to execute appointment affidavits which include certifications such as are contemplated by this bill. Likewise, various appropriation acts forbid the use of Government funds to pay officers or employees who fall within any of the categories enumerated in section 1 and provide penalties for the use of Government funds in violation of such prohibitions. Illustrative of other legislation which is concerned with the problem to which the bill is addressed is section 118 (j) of title 5 of the United States Code, which provides that it shall be unlawful for any person employed in any capacity by any agency of the Federal Government whose compensation or any part thereof is paid from funds authorized or appropriated by any act of Congress to have membership in any political party or organization which advocates the overthrow of our constitutional form of Government in the United States. Any person violating the provisions of the section shall be immediately removed from the position or office held by him and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person. Also, section 188 of title 29, United States Code, provides that it shall be unlawful for any individual employed by the United States or any agency thereof, including wholly owned Government corporations, to participate in any strike. If any individual employed by the United States or by any such agency strikes, he shall be discharged immediately from his employment and shall forfeit his civil-service status,

if any, and for 3 years shall not be eligible for reemployment by the United States or any such agency.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets):

SECTION 612 OF THE HOUSING ACT OF 1949

[GENERAL PROVISIONS

[SEC. 612. No part of any appropriation, loan, fund, or expenditure authorized by or provided pursuant to this Act, shall be used directly or indirectly to pay the salary or wages of any officer or employee of the Housing and Home Finance Agency or the Department of Agriculture who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the officer or employee making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such officer or employee does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts an office or employment in the Housing and Home Finance Agency or the Department of Agriculture the salary or wages for which are paid from any appropriation, loan, fund, or expenditure authorized by or provided pursuant to this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.]

SECTION 9A OF THE ACT OF AUGUST 2, 1939

[SEC. 9A. (1) It shall be unlawful for any person employed in any capacity by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any Act of Congress, to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States.

[(2) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any Act of Congress for such position or office shall be used to pay the compensation of such person.]

SECTION 305 OF THE LABOR MANAGEMENT RELATIONS ACT, 1947

【STRIKES BY GOVERNMENT EMPLOYEES

【SEC. 305. It shall be unlawful for any individual employed by the United States or any agency thereof including wholly owned Government corporations to participate in any strike. Any individual employed by the United States or by any such agency who strikes shall be discharged immediately from his employment, and shall forfeit his civil service status, if any, and shall not be eligible for reemployment for three years by the United States or any such agency.】



84TH CONGRESS
1ST SESSION

H. R. 6590

[Report No. 1152]

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1955

Mr. BENNETT of Florida introduced the following bill; which was referred to the Committee on Post Office and Civil Service

JULY 12, 1955

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in italic]

A BILL

To prohibit the employment by the Government of the United States of persons who are disloyal or who believe in the right to strike against the Government of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That no person shall accept or hold office or employment in
4 the Government of the United States or any agency thereof,
5 including wholly owned Government corporations, who—

6 (1) advocates the overthrow of our constitutional
7 form of government in the United States;

8 (2) is a member of an organization that advocates
9 the overthrow of our constitutional form of government

1 in the United States, knowing that such organization
2 so advocates;

3 (3) participates in any strike *or asserts the right*
4 *to strike* against the Government of the United States
5 or such agency; or

6 (4) is a member of an organization of Government
7 employees that asserts the right to strike against the
8 Government of the United States or such agencies,
9 knowing that such organization asserts such right.

10 SEC. 2. (a) Except as provided in subsection (b),
11 every person who accepts office or employment in the
12 Government of the United States after the date of enact-
13 ment of this Act, shall, not later than sixty days after he
14 accepts such office or employment, execute an affidavit
15 that his acceptance and holding of such office or employ-
16 ment does not or (if the affidavit is executed prior to ac-
17 ceptance of such office or employment) will not constitute
18 a violation of the first section of this Act. Such affidavit
19 shall be considered prima facie evidence that the acceptance
20 and holding of office or employment by the person executing
21 the affidavit does not or will not constitute a violation of
22 such section.

23 (b) An affidavit shall not be required from a person
24 employed by the Government of the United States for less
25 than sixty days for sudden emergency work involving the

1 loss of human life or the destruction of property. This sub-
2 section shall not relieve any person from liability for viola-
3 tion of the first section of this Act.

4 SEC. 3. Any person who violates section 1 of this Act
5 shall be guilty of a felony, and shall be fined not more
6 than \$1,000 or imprisoned not more than one year and
7 a day, or both.

8 SEC. 4. The following parts of Acts are hereby repealed:

9 (1) Section 612 of the Housing Act of 1949 (42
10 U. S. C., sec. 1445) ;

11 (2) Section 9A of the Act entitled "An Act to pre-
12 vent pernicious political activities", approved August 2,
13 1939 (5 U. S. C., sec. 118j) ; and

14 (3) Section 305 of the Labor Management Relations
15 Act, 1947, as amended (29 U. S. C., sec. 188) .

Amend the title so as to read: "A bill to prohibit the
employment by the Government of the United States of
persons who are disloyal or who participate in or assert the
right to strike against the Government of the United States,
and for other purposes."

84TH CONGRESS
1ST SESSION

H. R. 6590

[Report No. 1152]

A BILL

To prohibit the employment by the Government of the United States of persons who are disloyal or who believe in the right to strike against the Government of the United States, and for other purposes.

By Mr. BENNETT of Florida

JUNE 1, 1955

Referred to the Committee on Post Office and Civil Service

JULY 12, 1955

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

July 18, 1955

20. MINIMUM WAGE. The Rules Committee reported a resolution for debate on and consideration of H. R. 7214, to amend the Fair Labor Standards Act to provide for an increase to \$1 per hour in the minimum wage (p. 9319).
21. PENALTY MAIL. Passed without amendment H. R. 5856, repealing the requirement for heads of departments and agencies to report to the Postmaster General the number of penalty envelopes and wrappers on hand at the close of each fiscal year (p. 9267).
22. ACCOUNTING OFFICERS. Passed without amendment H. R. 7035, authorizing the GAO to provide for relief of an accounting officer for loss of physical property upon determination of the pertinent facts (p. 9262).
23. DISBURSING OFFICERS. Passed without amendment H. R. 7034, authorizing the Comptroller General or his designate to provide relief for disbursing officers for loss of funds upon determination of the pertinent facts (pp. 9262-3).
24. RECLAMATION; ELECTRIFICATION. Reps. Hosmer and Sheppard spoke in opposition to the proposed construction of the upper Colorado River project (pp. 9233-4, 9329-30).
25. HIGHWAYS. The Public Works Committee approved on Fri., July 15, for reporting H. R. 7072, the Federal-aid highway construction bill. The "Daily Digest" states "A clean bill is scheduled to be reported tomorrow (Tues., July 19), which will supersede H. R. 7072 (p. D725).
26. FAO. Received a draft of proposed legislation from the Acting Secretary of State "to amend certain laws providing for membership and participation by the United States in the Food and Agriculture Organization and the International Labor Organization and authorizing appropriations therefor;" referred to the Foreign Affairs Committee (p. 9338).
- AIRPORTS.
27. Passed as reported S. 1855, authorizing the Secretary of Commerce to make grants under the Federal Airport Act, annual contract authority in the amount of \$63 million for each of the fiscal years 1956, 1957, 1958, and 1959 (pp. 9304-11). The Federal Airport Act provides for an integrated national system of airports for air commerce, including "agricultural flying" and further provides that the Secretary of Commerce shall use such authorized funds for projects in "national forests" if deemed appropriate for "carrying out the national airport plan."

SENATE

28. LANDS. The Interior and Insular Affairs Committee reported without amendment H. R. 4894, which would repeal certain obsolete laws relating to disposals of land under the timber and stone laws (S. Rept. 875) (p. 9156).
29. CONTRACTS. Agreed to the conference report on H. R. 4904, to extend the Renegotiation Act of 1951 for two years (pp. 9184-5).
30. DEFENSE PRODUCTION. Sen. Kilgore submitted an amendment he intends to propose to S. 2391, the defense production bill (p. 9159).
31. PAPERWORK. Received from the Hoover Commission part 2 of its task force report on the Nation's Paperwork for Government an Experiment; to Government Operations Committee (p. 9154).

July 18, 1954

"Federal Aid to Agriculture," "The Administrative and Fiscal Impact of Federal Grants-in-Aid," "Civil Defense and Urban Vulnerability," "Federal Responsibility in the Field of Education," "The Impact of Federal Grants-in-Aid on the Structure and Functions of State and Local Governments," "Federal Aid to Welfare," "Local Government," and "Unemployment Compensation and Employment Service." The regular departmental supply of these publications is being obtained directly from the Government Printing Office by the agencies of the Department, and copies are generally not available from this office.

This office has obtained some additional copies of the final report of the entire Commission on Intergovernmental Relations, which was ordered printed as a congressional document. These copies are available, for official purposes, by calling Ext. 4654 or sending to Room 105A.

14. TOBACCO. The Agriculture Committee on Fri., July 15, ordered the following bills reported: H. R. 6845, to amend the Agricultural Adjustment Act relating to national marketing quota for tobacco; and H. R. 6846, amended, and H. R. 6847, amending the Agricultural Act regarding tobacco allotments (pp. D723-4).
15. FARM LOANS. The Agriculture Committee ordered reported on Fri., July 15, H. R. 6914, to amend the Bankhead-Jones Farm Tenant Act, to modify, clarify, and provide additional authority for insurance of loans (p. D724).
16. RICE. The Agriculture Committee ordered reported on Fri., July 15, H. R. 7302, to amend the rice marketing quota provisions of the Agricultural Adjustment Act of 1938 (p. D724).
17. FARM-CITY WEEK. Subcommittee Number 4 of the Judiciary Committee on Fri., July 15, reported to the full committee H. J. Res. 317, to designate the last week of October of each year as National Farm-City Week (p. D725).
18. PERSONNEL. Reps. Davis, Ga., and Cunningham discussed the status of S. 1041, to provide for the inclusion in computation of accredited service of certain State service in retirement provisions, and it was passed over without prejudice (p. 9267).
Rep. Ford requested and it was agreed that S. 1792, to amend the Federal Employees' Group Life Insurance Act of 1954, be passed over without prejudice (p. 9267).
Passed as reported H. R. 6590, prohibiting the Federal employment of disloyal persons (pp. 9270-1).
19. SOCIAL SECURITY. Passed with amendments H. R. 7225, to amend the Social Security Act (pp. 9273-9304). The bill amends the old-age and survivors' insurance system to provide monthly benefits for disabled insured individuals who have attained age 50, a reduction in the benefit eligibility age for women to 62 years, continued monthly benefits for disabled children after they attain age 18, expanded old-age and survivors' insurance coverage, and an adjusted contribution schedule. The bill clarifies the status under old-age and survivors' insurance of individuals who operate farms with the owners or tenants of those farms, under share-farming arrangements, by specifying that these individuals are not employees but are self-employed. It also provides that the exclusion from self-employment earnings of rentals from real estate would not apply to any income derived by an owner or tenant of land from the operation of a farm by another individual under an arrangement which provided for material participation by the owner or tenant in the farm production. It extends coverage to an estimated 20,000 agricultural workers engaged in the production of turpentine and gum naval stores.

84TH CONGRESS
1ST SESSION

H. R. 6590

IN THE SENATE OF THE UNITED STATES

JULY 19, 1955

Read twice and referred to the Committee on Post Office and Civil Service

AN ACT

To prohibit the employment by the Government of the United States of persons who are disloyal or who participate in or assert the right to strike against the Government of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That no person shall accept or hold office or employment in
4 the Government of the United States or any agency thereof,
5 including wholly owned Government corporations, who—

6 (1) advocates the overthrow of our constitutional
7 form of government in the United States;

8 (2) is a member of an organization that advocates
9 the overthrow of our constitutional form of government

1 in the United States, knowing that such organization
2 so advocates;

3 (3) participates in any strike or asserts the right
4 to strike against the Government of the United States
5 or such agency; or

6 (4) is a member of an organization of Government
7 employees that asserts the right to strike against the
8 Government of the United States or such agencies,
9 knowing that such organization asserts such right.

10 SEC. 2. (a) Except as provided in subsection (b),
11 every person who accepts office or employment in the
12 Government of the United States after the date of enact-
13 ment of this Act, shall, not later than sixty days after he
14 accepts such office or employment, execute an affidavit
15 that his acceptance and holding of such office or employ-
16 ment does not or (if the affidavit is executed prior to ac-
17 ceptance of such office or employment) will not constitute
18 a violation of the first section of this Act. Such affidavit
19 shall be considered prima facie evidence that the acceptance
20 and holding of office or employment by the person executing
21 the affidavit does not or will not constitute a violation of
22 such section.

23 (b) An affidavit shall not be required from a person
24 employed by the Government of the United States for less
25 than sixty days for sudden emergency work involving the

1 loss of human life or the destruction of property. This sub-
2 section shall not relieve any person from liability for viola-
3 tion of the first section of this Act.

4 SEC. 3. Any person who violates section 1 of this Act
5 shall be guilty of a felony, and shall be fined not more
6 than \$1,000 or imprisoned not more than one year and
7 a day, or both.

8 SEC. 4. The following parts of Acts are hereby repealed:

9 (1) Section 612 of the Housing Act of 1949 (42
10 U. S. C., sec. 1445) ;

11 (2) Section 9A of the Act entitled "An Act to pre-
12 vent pernicious political activities", approved August 2,
13 1939 (5 U. S. C., sec. 118j) ; and

14 (3) Section 305 of the Labor Management Relations
15 Act, 1947, as amended (29 U. S. C., sec. 188).

Passed the House of Representatives July 18, 1955.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To prohibit the employment by the Government of the United States of persons who are disloyal or who participate in or assert the right to strike against the Government of the United States, and for other purposes.

JULY 19, 1955

Read twice and referred to the Committee on Post
Office and Civil Service

AUTHORIZE THE MARINE CORPS TO HAVE FIVE LIEUTENANT GENERALS

The Clerk called the bill (H. R. 7028) to increase the peacetime limitation on the number of lieutenant generals in the Marine Corps.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, this bill, as I understand it, proposes to increase the peacetime limitation on the number of lieutenant generals in the Marine Corps. We have from the Defense Department in the last few days a statement that some \$46 million is going to be impounded so that the Marine Corps cannot be increased; in fact, as I understand it, there is scheduled a 22,000-man reduction in the Marine Corps. At the same time we hear from the President, Mr. Eisenhower, that new weapons of unprecedented tactical and strategic importance have been incorporated in the Armed Forces in the last 2 years. We also hear from the Secretary of Defense, Mr. Wilson, that the need in the Reserves is for a civilian force of 3 million men to be called up and made battle ready in 6 to 8 months. What I should like to ask someone—and I am not opposed to an adequate number of lieutenant generals in the Marine Corps—What is the policy in connection with the Armed Forces?

Mr. Speaker, I ask unanimous consent, since no one seems to be able to answer as to the necessity for these lieutenant generals, in view of the overall defense policy or lack of one, that this bill be passed over without prejudice.

Mr. KILDAY. Mr. Speaker, if the gentleman will withhold that, I will be glad to explain. The gentleman asked a question about the military policy, and I thought that should come from the other side of the aisle, inasmuch as the gentleman is raising a point as to what is going on in the executive branch of the Government. At the present time there are 5 lieutenant generals in the Marine Corps. In times of peace they are authorized only 2. Under this bill there will be no new lieutenant generals created, but the present 5 will be permitted to continue on active duty in the 3-star rank of lieutenant general. This limitation was provided in 1947 when the Marine Corps consisted of about 80,000 personnel. At the present time the strength of the Marine Corps is approximately 208,000, so that notwithstanding the proposed freezing of the funds, with which I do not agree, the strength is still such as to justify the continuance of 5 rather than 2 lieutenant generals in the Marine Corps.

Mr. GROSS. In reply to the gentleman's first statement that he thought some response should come from this side of the aisle, may I say to him that it has been my observation that the Defense Department has spokesmen on both sides of the aisle, and I can see no reason why the question of the size of the Armed Forces should not be answered by Members who are conversant with the military needs of the Nation on either side of the aisle. The gentleman thinks that despite the fact that there

is a proposed 22,000 man cut in the Marine Corps, and that \$46 million of funds has been impounded, we still should increase the number of lieutenant generals in the Marine Corps?

Mr. KILDAY. We should not increase the number, but we should retain the number we have. The strength of the Marine Corps was only 80,000 when the number of lieutenant generals was fixed at 2. Even though the proposed 20,000 reduction were carried out, we would still have approximately 185,000 on active duty as compared to 80,000 when the number of lieutenant generals was fixed at 2. So I think five are certainly justified.

Mr. GROSS. Mr. Speaker, I have been unable to ascertain what is really the defense policy of the administration. I have no desire to oppose the bill presently before the House. I withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the second proviso to section 415 (a) of the Officer Personnel Act of 1947 is amended by deleting the word "two" and substituting therefor the word "five."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF DOCTORS OF OSTEOPATHY IN MEDICAL CORPS OF THE ARMY AND NAVY

The Clerk called the bill (H. R. 483) to amend the Army-Navy-Public Health Service Medical Officer Procurement Act of 1947, as amended, so as to provide for appointment of doctors of osteopathy in the Medical Corps of the Army and Navy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 201 of the Army-Navy-Public Health Service Medical Officer Procurement Act of 1947 (61 Stat. 777), as amended, is further amended by inserting immediately after the word "medicine" wherever used therein, the words "or osteopathy."

SEC. 2. Section 201 of the Army-Navy-Public Health Service Medical Officer Procurement Act of 1947 (61 Stat. 777), as amended is further amended by adding the following at the end thereof: "A doctor of osteopathy to be eligible for appointment in the Medical Corps of the Army and Navy must be a graduate of a college of osteopathy whose graduates are eligible for licensure to practice medicine or surgery in a majority of the States, and be licensed to practice medicine, surgery, or osteopathy in one of the States or Territories of the United States or in the District of Columbia."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO AUTHORIZE MALE NURSES AND MEDICAL SPECIALISTS TO BE APPOINTED AS RESERVE OFFICERS

The Clerk called the bill (H. R. 2559) to authorize male nurses and medical

specialists to be appointed as Reserve officers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That men may be appointed as Reserve commissioned officers in the Nurse Corps of the Naval Reserve and as Reserve officers of the Air Force designated to perform nursing or medical specialist duties, under the same provisions of law as are applicable to women, except as may be necessary to adapt such provisions to male persons.

SEC. 2. The Army-Navy Nurses Act of 1947 is hereby amended as follows:

(1) In title I, by striking out "Women's" each time it occurs and inserting in lieu thereof "Army"; and

(2) In section 116 (10 U. S. C., sec. 376), by striking out "female citizens" and inserting in lieu thereof "male or female citizens, or male or female persons who have made a declaration of intent to become citizens."

SEC. 3. (a) Subsection (a) of section 307 of the Army Organization Act of 1950 (10 U. S. C., sec. 81-1) is hereby amended by striking out "Women's" and inserting in lieu thereof "Army".

(b) Section 307 of the Air Force Organization Act of 1951 (10 U. S. C., sec. 1837) is hereby amended by striking out "women's."

(c) Subsection (d) of section 203 of the Army and Air Force Vitalization and Retirement Equalization Act of 1948 (10 U. S. C., sec. 1003) is hereby amended by striking out "Women's" and inserting in lieu thereof "Army."

SEC. 4. In the computation of the pay, or retired or retirement pay, of any person appointed under the first section of this act, or of any person appointed under section 116 of the Army-Navy Nurses Act of 1947, as amended, credit shall be given for all military and naval service rendered by such person with any branch of the Armed Forces of the United States, including active and inactive service with the reserve components thereof.

Mrs. FRANCES P. BOLTON. Mr. Speaker, the action of the House in passing H. R. 2559, my bill to authorize men nurses and medical specialists to be appointed Reserve officers in the armed services is a logical and very important forward step. The action of the Department of Defense in its strong recommendation of the bill evidences a new recognition of the need to make fuller use of specialized skills in short supply. This legislation is important both to the military and to the whole area of health services throughout the country. Recognition of this fact by my distinguished colleague, the chairman of the Committee on Armed Services, the Honorable CARL VINSON, has made possible our action here today.

For the armed services, this authority to commission men nurses and specialists will increase the potential supply from which the military can draw for patient care.

As you know, only women can now receive commissions as nurses. But there are some nursing assignments for which men are better suited than women. We should not assign a woman to a frontline combat position—especially with the record that was established in the treatment of our prisoners during the Korean conflict. But frontline soldiers need trained nurses, and a man nurse can fill that assignment. A similar problem arises in military psychiatric wards

where conditions are often too dangerous for a woman. Men have served in those positions with distinction.

Up to now men in service with full nurse training have been relegated to tasks as corpsmen, wardmen, and litter bearers, and they have received only enlisted men's ratings. It has been a serious moral problem and certain discouraged enlistment by men graduate nurses.

But in a large sense enactment of this legislation can help relieve the nurse shortage that now grips this Nation. Today the country needs an estimated 50,000 more graduate nurses. But of the total nurse force only about 2½ percent are men. There are young men everywhere who long to give themselves to the relief of suffering but who do not have the time or the money to undertake the long medical training. This recognition by the armed services will greatly encourage them to enter nursing and the medical specialties.

In civilian nursing, besides filling routine positions, men again are best fitted for certain tasks.

One of the major problems facing the Nation today is the increase in mental illness. More than half of all hospitalized patients are in mental hospitals. Yet less than 5 percent of our hospital nurses are working in mental institutions.

It is understandable that women are reluctant to work in mental hospitals for patients are all too often dangerous. But men nurses are doing this work with excellent results now and we can assume any increase in the men nurse supply will help in the serious national problem of treating the mentally ill.

Recommended by the Armed Services Committee and the Department of Defense, H. R. 2559 has the endorsement of the American Nurses' Association, the American Psychiatric Association, and the American Physical Therapy Association. Enactment of this legislation will not result in any additional cost to the Government, since appointments would be made within existing limitations.

I sincerely hope for prompt action by the Senate.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROHIBITING EMPLOYMENT BY GOVERNMENT OF THE UNITED STATES OF PERSONS WHO ARE DISLOYAL, ETC.

The Clerk called the bill (H. R. 6590) to prohibit the employment by the Government of the United States of persons who are disloyal or who believe in the right to strike against the Government of the United States, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McCORMACK. Mr. Speaker, reserving the right to object, I should like to get some information from the gentleman from New Jersey [Mr. TUMULTY], who is handling the bill on the floor for the committee.

I notice on page 2, paragraph 3, the language "participates in any strike." Then I notice a committee amendment, "or asserts the right to strike against the Government of the United States or such agency."

I should like to inquire of the gentleman from New Jersey [Mr. TUMULTY] because it would be important in determining the intent of Congress to know what was in the minds of the members of the committee reporting out the bill, what it meant by the words "or asserts the right to strike." Does that mean the mere declaration of an expression of opinion by an individual or does it mean some overt act or act of advocacy of striking? I think that is very, very important.

Mr. TUMULTY. Mr. Speaker, in answer to the distinguished Majority Leader may I say that this bill does not mean a mere expression of opinion nor does it mean the mere assertion that a person has the right. The provision means an overt act must be done. It means the assertion of a right in the sense of doing something to set events in motion. I might say the word "assert" here is almost tantamount to the word "incitement." The language was put in to make the bill more restrictive. The language that had been in was, "to believe" in the right to strike. The committee felt that was too general, and was not in consonance with fundamental constitutional guaranties of liberty. So this language was put in so as to require some overt act; that is, an actual carrying out of the right to strike, doing something about it.

Mr. McCORMACK. It has no relationship at all to one's individual opinion?

Mr. TUMULTY. It certainly does not.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. RABAUT. I rise to ask this question: This will make unnecessary the rider we usually put in appropriation bills on this same subject?

Mr. TUMULTY. In answer to the distinguished gentleman, precisely so. The bill now being considered will make these riders unnecessary. The language here was derived from the language of previous riders. It does not add anything new. It simply brings into one bill legislation which has been adopted from year to year.

Mr. RABAUT. The gentleman is to be commended for bring the bill to the House.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. YATES. Will the gentleman state what the bill contains in definition of the word "disloyal"? What does the term "disloyal" mean in this bill?

Mr. TUMULTY. If the gentleman will read the bill, he will find what "disloyal" means.

Mr. YATES. If the gentleman wants me to ask unanimous consent that the bill go over, of course I can read the bill. But I have not had the opportunity to read it yet. I am simply asking what the word "disloyal" means as used in this bill?

Mr. TUMULTY. It means advocating the overthrow of our constitutional form of government in the United States. As the bill says if he is a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates, he would be disloyal, or further:

(3) Participates in any strike or asserts the right to strike against the Government of the United States or such agency.

That, of course, has already been explained.

(4) Is a member of an organization of Government employees that asserts the right to strike against the Government of the United States or such agencies, knowing that such organization asserts such right.

So disloyalty would be defined as set forth in paragraphs (1) and (2) and in accordance with the statutes already existing thereto.

Mr. YATES. In other words, then, it would be equivalent to the definitions contained in other legislation which has been previously passed by the Congress of the United States?

Mr. TUMULTY. That is quite true. It does not add to the already existing definition of "disloyal."

Mr. YATES. It requires an appropriate finding before a person can be barred?

Mr. TUMULTY. They file an affidavit, and then the Government would have to come in with proof and they would have an opportunity to defend themselves.

Mr. YATES. Right.

Mr. McCORMACK. With the clarifying observations made by the gentleman from New Jersey on the language "or asserts the right to strike," I withdraw my reservation of objection, Mr. Speaker.

Mr. BENNETT of Florida. Mr. Speaker, I am happy to see H. R. 6590 before us today on the Consent Calendar. This bill penalizes the acceptance or holding of office or employment in the United States Government by those who are disloyal or who strike or assert the right to strike against the Government.

This bill meets the need for a statute which consolidates, improves, and makes permanent existing laws on this subject. The only legislation at present making it a crime for such people to accept or hold Federal employment is the temporary riders which Congress has been including in appropriation bills during the last several years. Since 1946, such riders have appeared in all appropriation acts except three.

There are three other Federal statutory provisions on this subject: Section 612 of the Housing Act of 1949, Section 9A of the Hatch Act, and section 305 of the Labor-Management Relations Act of 1947. Since this bill incorporates their substance, it provides for their repeal.

H. R. 6590 has several advantages over these riders and provisions, in preventing employment of these individuals.

First, it makes permanent a legislative policy which is completely accepted in Congress and which is more appropriate to our permanent laws than to temporary riders in appropriation acts.

Second, it makes it possible to shorten our appropriation bills.

Third, it brings together and consolidates into one act the uncoordinated provisions and riders described above.

Fourth, it embodies certain improvements and perfections in the wording and effectiveness of the earlier provisions.

There are several differences between this bill and the appropriation riders.

First, there is a requirement in the bill which is not present in the riders that the individual know of the disloyal character of the organization or of its assertion of the right to strike. If the individual is a member of such organization without realizing that it has these characteristics, he cannot be prosecuted under the bill. This not only makes this a fairer law, but also strengthens its constitutionality.

Second, there is a specific requirement in the bill that affidavits of compliance with this law be submitted by prospective Federal employees. In the riders this requirement was omitted although I am advised that Government departments and agencies now require such affidavits as a matter of convenience in carrying out the purposes of the riders. This change is an improvement in that under this bill hereafter the law will require that no one will be employed by the Federal Government who fails to sign such an affidavit.

Third, the length of the sentence for violators of the bill is a year and a day, instead of a year as specified by the riders. The Department of Justice has pointed out that although the riders make the crime a felony, it can only be a felony under the definition of felonies in title 18 if it carries a sentence longer than a year.

Fourth, there are minor changes in language in the bill to insure that it covers the same ground now covered by the Hatch Act, Taft-Hartley Act, and Housing Act provisions.

It has been noted that this bill will make unnecessary the riders which appropriation bills have carried in the past. The riders say that none of the appropriations shall be used to pay the salaries of certain people. This bill will penalize and make illegal such employment, and the payment of appropriations for such salaries is thus prohibited by the force of other statutes which prevent the payment of funds for illegal activity.

I want to express my appreciation for the wonderful support and cooperation I have received on this bill. In considering and reporting it, the Post Office and Civil Service Committee has shown a commendable appreciation of the need for adequate legislation on this subject. I deeply appreciate their fine work on this proposal. The Department of Justice and Civil Service Commission rendered favorable reports on the bill and testified in favor of it at the hearing. Favorable testimony was also submitted by the following representatives of Federal employee organizations: Warren Bledsoe, for the National Rural Letter Carriers' Association; E. C. Hallbeck, for the National Federation of Post Office

Clerks; Samuel E. Klein, for the United National Association of Post Office Clerks; John McCart, for the American Federation of Government Employees; Ross Messer, for the National Association of Post Office and General Services Maintenance Employees; Luther Steward, for the National Federation of Federal Employees; Thomas G. Walters, for the Government Employees' Council, American Federation of Labor.

Mr. Speaker, I appreciate all this fine support, and I hope H. R. 6590 will be enacted during this session.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That no person shall accept or hold office or employment in the Government of the United States or any agency thereof, including wholly owned Government corporations, who—

(1) advocates the overthrow of our constitutional form of government in the United States;

(2) is a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates;

(3) participates in any strike against the Government of the United States or such agency; or

(4) is a member of an organization of Government employees that asserts the right to strike against the Government of the United States or such agencies, knowing that such organization asserts such right.

SEC. 2. (a) Except as provided in subsection (b), every person who accepts office or employment in the Government of the United States after the date of enactment of this act, shall, not later than 60 days after he accepts such office or employment, execute an affidavit that his acceptance and holding of such office or employment does not or (if the affidavit is executed prior to acceptance of such office or employment) will not constitute a violation of the first section of this act. Such affidavit shall be considered prima facie evidence that the acceptance and holding of office or employment by the person executing the affidavit does not or will not constitute a violation of such section.

(b) An affidavit shall not be required from a person employed by the Government of the United States for less than 60 days for sudden emergency work involving the loss of human life or the destruction of property. This subsection shall not relieve any person from liability for violation of the first section of this act.

SEC. 3. Any person who violates section 1 of this act shall be guilty of a felony, and shall be fined not more than \$1,000 or imprisoned not more than 1 year and a day, or both.

SEC. 4. The following parts of acts are hereby repealed:

(1) Section 612 of the Housing Act of 1949 (42 U. S. C., sec. 1445);

(2) Section 9A of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939 (5 U. S. C., sec. 118j); and

(3) Section 305 of the Labor Management Relations Act, 1947, as amended (29 U. S. C., sec. 188).

With the following committee amendment:

Page 2, line 3, after "any strike", insert "or asserts the right to strike."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to prohibit the employment by the Government of the United States of persons who are disloyal or who participate in or assert the right to strike against the Government of the United States, and for other purposes."

A motion to reconsider was laid on the table.

THE VICE PRESIDENT-ELECT

The Clerk called the bill (H. R. 6621) to amend title 18, United States Code, sections 871 and 3056, to provide penalties for threats against the Vice President-elect and to authorize Secret Service protection for the Vice President-elect.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That title 18, United States Code, section 871, is amended to read as follows:

"§ 781 Threats against President, President-elect, Vice President, and Vice President-elect

"Whoever knowingly and willfully deposits for conveyance in the mail or for delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States, the President-elect, the Vice President of the United States, or the Vice President-elect, or knowingly and willfully otherwise makes any such threat against the President, President-elect, Vice President, or Vice President-elect, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both."

SEC. 2. The analysis of chapter 41 of title 18, United States Code, immediately preceding section 871 of such title is amended by deleting

"871. Threats against President"

and inserting in lieu thereof the following:

"871. Threats against President, President-elect, Vice President, and Vice President-elect"

SEC. 3. The first independent clause of title 18, United States Code, section 3056, is amended to read as follows:

"§ 3056. Secret Service powers

"Subject to the direction of the Secretary of the Treasury, the United States Secret Service, Treasury Department, is authorized to protect the person of the President of the United States and members of his immediate family, the President-elect, the Vice President, and Vice President-elect at their request."

With the following committee amendments:

Page 1, line 5, the figure "781" is changed to read "871."

Page 2, line 20, should be amended to read as follows: "the President-elect, and the Vice President and Vice President-."

A new section 2 is inserted at page 2, line 9, to read as follows:

"SEC. 2. The terms 'President-elect' and 'Vice President-elect' shall mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3 United States Code, sections 1 and 2."

On page 2, line 9, "SEC. 2" is changed to read "SEC. 3."

On page 2, line 13, "SEC. 3" is changed to read "SEC. 4."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WOODROW WILSON CENTENNIAL CELEBRATION COMMISSION

The Clerk called the bill (H. R. 6454) to amend the joint resolution approved August 30, 1954, relating to the establishment of the Woodrow Wilson Centennial Celebration Commission, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of the joint resolution approved August 30, 1954, entitled "To establish the Woodrow Wilson Centennial Celebration Commission, and for other purposes" (68 Stat. 964), is hereby amended to read as follows:

"SEC. 5. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this joint resolution."

With the following committee amendment:

Page 2, line 1, after "resolution", insert the following: "but in no event shall the sums hereby authorized exceed a total of \$41,500 in addition to the sum of \$10,000 originally authorized by this resolution."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JIM WOODRUFF RESERVOIR, GEORGIA

The Clerk called the bill (H. R. 1599) to provide for adjustments in the lands or interests therein acquired for the Jim Woodruff Reservoir, Georgia, by the reconveyance of certain lands or interests therein to the former owners thereof.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) in order to provide for adjustments in the lands or interests in land heretofore acquired for the Jim Woodruff Reservoir, Ga., to conform such acquisition to a lesser estate in lands now being acquired to complete the real-estate requirements of the project, the Secretary of the Army is authorized to sell any such land or interests in land heretofore acquired to the former owners of such land whenever (1) he shall determine that such land or interest is not required for public purposes, and (2) he shall have received an application for reconveyance as hereinafter provided.

(b) Any such sale of any such land or interest shall be made only after the Secretary (1) has given notice, in such manner (including publication) as he shall by regulation prescribe, to the former owner of such land or interest, and (2) has received an application for the reconveyance of such land or interest from such former owner, in such form as he shall by regulation prescribe, within a period of 90 days following the date of issuance of such notice.

(c) Any reconveyance of land or interest therein made under this act shall be subject to such exceptions, restrictions, and reservations (including a reservation to the United States of flowage rights) as the Secretary may determine are in the public interest.

(d) Any land or interest therein reconveyed under this act shall be sold for an amount determined by the Secretary to be equal to the price for which the land was acquired by the United States, adjusted to reflect (1) any increase in the value thereof resulting from improvements to the land made by the United States, or (2) any decrease in the value thereof resulting from (A) any reservation, exception, restriction, or condition to which the reconveyance is made subject, and (B) any damage to the land or interest therein caused by the United States.

(e) The requirements of this section shall not be applicable with respect to the disposition of any land, or interest therein, described in subsection (a) if the Secretary shall certify (1) that notice has been given to the former owner of such land or interest as provided in subsection (b) and that no qualified applicant has made timely application for the reconveyance of such land or interest, or (2) that within a reasonable time after receipt of a proper application for any reconveyance of such land or interest the parties have been unable to reach a satisfactory agreement with respect to the reconveyance of such land or interest.

(f) As used in this section, the term "former owner" means the person from whom any land or interest therein, was acquired by the United States, or if such person is deceased, his spouse, or if such spouse is deceased, his children.

SEC. 2. The Secretary of the Army may delegate any authority conferred upon him by this act to any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

SEC. 3. Any proceeds from sales made under this act shall be available for use in administering the provisions of this act and any surplus shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 4. This act shall terminate 3 years after the date of its enactment.

With the following committee amendments:

Page 1, line 5, after the word "Reservoir", insert "Florida and."

Page 1, line 8, strike out the word "sell" and insert in lieu thereof "reconvey."

Page 2, line 5, strike out the word "sale" and insert in lieu thereof "reconveyance."

Page 3, line 2, add the following sentence: "In addition, the cost of any surveys necessary as an incident of such reconveyance shall be borne by the grantee."

Page 3, line 24, strike out section 3 and substitute the following:

"SEC. 3. Any proceeds from sales made under this act shall be covered into the Treasury of the United States as miscellaneous receipts."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for adjustments in the lands or interests therein acquired for the Jim Woodruff Reservoir, Fla., and Ga., by the reconveyance of certain lands or interests therein to the former owners thereof."

A motion to reconsider was laid on the table.

MEMBERSHIP IN THE UNITED NATIONS FOR CERTAIN COUNTRIES

The Clerk called the concurrent resolution (H. Con. Res. 186) expressing the sense of Congress that certain countries should be granted membership in the United Nations.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the concurrent resolution be passed over without prejudice.

Mr. WILLIAMS of New Jersey. Reserving the right to object, Mr. Speaker, may I say to the gentleman that this concurrent resolution is a continuing expression of this country of support of 14 nations, all of whom have applied for admission to the United Nations, have had our approval, and not been admitted for one reason, and that was the misuse of the veto by Soviet Russia.

Mr. GROSS. What will this concurrent resolution do? How will this bring them into membership in the United Nations?

Mr. WILLIAMS of New Jersey. It will not do anything, but it will show them we still stand behind them and support their efforts to gain admission.

Mr. GROSS. It would be a good deal like the resolution adopted in the House against colonialism that was introduced by the gentleman from Massachusetts [Mr. McCORMACK]. It was approved unanimously, but when I offered an amendment today to prohibit the French from using one of our aircraft carriers to carry on their program of colonial exploitation it was soundly defeated.

It is stated in this resolution, after naming the nations, that they "have applied for membership and will abide by the principles of the United Nations." It seems to me before any further nations are invited into the United Nations, Russia, Poland, Czechoslovakia, and other Communist member nations should be made to live up to the principles of the United Nations if it has any principles.

Mr. WILLIAMS of New Jersey. I would say to the gentleman that these are all free and independent nations, and they will strengthen freedom within the United Nations.

Mr. GROSS. I doubt that very much. Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. FORD. I would like to ask the gentleman from New Jersey whether or not the resolution includes the invitation for approval of North Vietnam to participation in the United Nations.

Mr. WILLIAMS of New Jersey. No, this is South Vietnam. The application was made by Vietnam, which means South Vietnam. North Vietnam has not made an application and, of course, we would not support that.

Mr. FORD. Is it set forth in the resolution that we are identifying it as South Vietnam?

Mr. WILLIAMS of New Jersey. Historically in the State Department that has been the meaning of Vietnam in applications for admission to the United Nations. There is no suggestion that North Vietnam is included.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued August 1, 1955

For actions of July 29 and 30, 1955

84th-1st, Nos. 129 and 130

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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HIGHLIGHTS: Senate passed bills to increase CCC borrowing authority, permit sale of CCC cotton at market prices, authorize relief of accountable officers, and retire Government capital in certain FCA institutions. House passed bills to continue housing program, increase annuities of retired employees, permit ACP payments on certain Federal lands and for water conservation, strengthen Perishable Agricultural Commodities Act, provide penalties for false grade markings, facilitate farm loans, consolidate experiment stations authorizations, authorize increased CEA fees, expand Trade Development Act, authorize additional extension work, extend Defense Production Act, extend sugar program, authorize national forest townsites, authorize fund advances for forest research, amend tobacco and rice allotments-quotas laws, increase pay of major officials, provide retirement credit for certain State service. Both Houses agreed to conference reports on supplemental appropriation bill and bill to purchase employee bonds. House agreed to conference reports on bills to extend Mexican farm labor program, authorize distribution of flour and meal to needy, and authorize study of Alaska water resources. Senate debated measure to increase contributions to FAO. Senate committee reported bill to increase pay of major officials. House committee reported bill to provide loans for central markets. Sen. Johnston objected to cotton exports at reduced prices. Sen. Symington criticized administration of farm program.

SENATE - July 29

1. CCC BORROWING POWER. Passed without amendment S. 2604, to increase the borrowing power of CCC from \$10 billion to \$12 billion (pp. 10541-3).
2. CCC COTTON. Passed as reported S. 2446, to permit sale of CCC cotton stocks that are in excess supply for unrestricted use at current market prices (p. 10548).
Sen. Johnston read a news item stating that this Department has apparently abandoned for the time being plans to offer U. S. cotton abroad at reduced prices, spoke against such plans, and stated that the Agriculture and Forestry Committee will study this subject during the recess. Sen. Humphrey concurred in Sen. Johnston's statement. (p. 10516.)
3. LEGISLATIVE APPROPRIATION BILL, 1956. Passed with amendments this bill, H. R. 7117, which includes funds for GPO and the Library of Congress (pp. 10349-60). Agreed to an amendment by Sen. Humphrey to add \$50,000 for the Commission on Government Security (p. 10353). Sen. Robertson said Congress has made progress toward a balanced budget and inserted a table showing action on the various appropriation bills (pp. 10358-9). Senate and House conferees were appointed (pp. 10360, 10444).
4. BONDING EMPLOYEES. Agreed to the conference report on H. R. 4778, to provide for purchase of bonds to cover Government employees (p. 10386).
5. MINIMUM WAGE. Agreed to the conference report on S. 2168, to increase the minimum wage, under the Fair Labor Standards Act, to \$1 per hour, effective Mar. 1, 1956 (pp. 10546-7).
6. PERSONNEL. The Post Office and Civil Service Committee reported with amendments S. 2628, to increase the pay of department heads and other major officials (S. Rept. 1257)(p. 10340).
The Committee reported without amendment H. R. 6590, to prohibit employment by the Government of persons who are disloyal or who participate in or assert the right to strike against the Government (S. Rept. 1256)(p. 10340).
7. EDUCATION. The Labor and Public Welfare Committee reported without amendment S. 2670, to provide for continued Federal assistance to local educational agencies affected by Federal activities (S. Rept. 1251)(p. 10341).
8. PROPERTY; TAXATION. The Government Operations Committee reported with amendment S. 2377, to amend the Federal Property and Administrative Services Act to make temporary provision for payments in lieu of taxes with respect to real property transferred by RFC to other Government departments (S. Rept. 1253)(p. 10341).
9. LAW CODIFICATION. Sen. Holland submitted an amendment which he intends to propose to H. R. 6991, to codify and enact U. S. C., title 21, regarding foods, animal diseases, etc. (p. 10343).
10. REORGANIZATION. Sen. Butler commended the Hoover Commission and inserted various articles on this subject (pp. 10345-9).
11. ROADS. Sen. Case, S. Dak., announced his intention of proposing an amendment to H. R. 6417 (a bill on another subject) to increase the Federal-aid road authorization to \$575 million in order that the road question may be decided this year under a procedure which "leaves out all side issues" (p. 10468).
12. ELECTRIFICATION. Sen. Neuberger commended the late Sen. McNary's record favoring public power (pp. 10516-18).

Calendar No. 1273

84TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 1256

PROHIBITING THE EMPLOYMENT BY THE GOVERNMENT OF THE UNITED STATES OF PERSONS WHO ARE DISLOYAL OR WHO PARTICIPATE IN OR ASSERT THE RIGHT TO STRIKE AGAINST THE GOVERNMENT OF THE UNITED STATES

JULY 29, 1955.—Ordered to be printed

Mr. JOHNSTON of South Carolina, from the Committee on Post Office
and Civil Service, submitted the following

R E P O R T

[To accompany H. R. 6590]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 6590) to prohibit the employment by the Government of the United States of persons who are disloyal or who participate in or assert the right to strike against the Government of the United States, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

STATEMENT

Report No. 1152 accompanying H. R. 6590, as approved by the House of Representatives, is incorporated as a part of this report:

This legislation will clarify and consolidate in a single, permanent, penal statute the rider reenacted each year in appropriation acts, as well as certain similar permanent provisions in existing law, which in effect prohibit the employment by the Government of (1) any person who advocates overthrow of our constitutional form of government or belongs to an organization that so advocates, and (2) any person who strikes against the Government or belongs to an organization of Government employees that asserts the right to strike against the Government.

The appropriation rider first appeared in the Fourth Supplemental National Defense Appropriation Act, 1941, without the language relating to striking against the Government. With seven exceptions, it was repeated in each regular deficiency, and supplemental appropriation act through May 18, 1946. The Third Urgent Deficiency Appropriation Act, 1946, broadened the rider to include any person who strikes against the Government or who is a member of an organization which asserts the right to strike against the Government. With three exceptions, the rider as thus broadened has been repeated all in subsequent regular, deficiency, and supplemental appropriation acts to date.

Existing law also contains three permanent provisions which are somewhat similar, in effect, to the appropriation rider. They are (1) section 612 of the Housing

2 PROHIBITING EMPLOYMENT OF PERSONS WHO ARE DISLOYAL

Act of 1949 (42 U. S. C., sec. 1445); (2) section 9A of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939 (5 U. S. C., sec. 113j), known as the Hatch Act; and (3) section 305 of the Labor-Management Relations Act, 1947, as amended (29 U. S. C., sec. 188), known as the Taft-Hartley Act.

Section 612 of the Housing Act of 1949 is repeated, in substance, in paragraphs 1 through 4, inclusive, of the first section of H. R. 6590.

Section 9A of the Hatch Act prohibits employment of persons who are members of "any political party or organization which advocates the overthrow of our constitutional form of government in the United States."

This provision is reenacted in paragraph 2 of the first section of H. R. 6590.

Section 305 of the Taft-Hartley Act requires the discharge of persons who strike against the Government. This is repeated in paragraph (3) of the first section of the bill.

Accordingly, since H. R. 6590 includes all of these provisions of existing law such provisions will be repealed.

Hearings were held at which representatives of the Civil Service Commission, the Department of Justice, and a number of Government employees' organizations appeared and testified favorably on H. R. 6590. There were no objections.

GENERAL ANALYSIS

The first section of the bill, as amended, will prohibit the employment in the Federal Government, or in any agency thereof, of any person who (1) advocates the overthrow of our constitutional form of government in the United States; (2) is a member of an organization that advocates overthrow of the Government, knowing of such advocacy; (3) participates in any strike against the Government or any such agency; (4) asserts the right to strike against the Government; or (5) belongs to an organization of Government employees that asserts the right to strike against the Government, or against such agencies, knowing that such organization asserts such right to strike.

Section 2 (a) of the bill requires that, except as provided in subsection (b), every person accepting Federal office or employment, within 60 days after entering on duty, shall execute an affidavit that in doing so he does not violate the first section of the bill. The affidavit will be prima facie evidence that there is no such violation.

Section 2 (b) provides that an affidavit will not be required from a person employed for less than 60 days for sudden emergency work involving the loss of life or destruction of property, but that this exception will excuse no one from liability for violation of the first section of the bill.

Section 3 makes any violation of the first section of the bill a felony, for which the penalty shall be a fine of not more than \$1,000 or imprisonment for not more than 1 year and a day, or both.

The favorable report of the Civil Service Commission and the report of the Department of Justice interposing no objections to a similar bill (H. R. 617) follow:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 21, 1955.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

DEAR MR. MURRAY: This is in reply to your request of June 21 for the Commission's views on H. R. 6590, a bill to prohibit the employment by the Government of the United States of persons who are disloyal or who believe in the right to strike against the Government of the United States, and for other purposes.

The bill would provide that no person shall accept or hold office or employment in the Government of the United States who (1) advocates the overthrow of our constitutional form of government in the United States; (2) is a member of an organization that advocates such overthrow, knowing that the organization so advocates; (3) participates in a strike against the Government; or (4) is a member of an organization that asserts the right to strike against the Government, knowing that the organization asserts such right. The bill further provides that every person who accepts office or employment in the Government shall, not more than 60 days later, execute an affidavit that his employment will not constitute a violation of the statute. Affidavits would not be required from persons employed for less than 60 days for sudden emergency work involving the loss of human life or the destruction of property. Violation of the statute would constitute a

felony punishable by a fine of not more than \$1,000 or imprisonment for not more than 1 year and a day, or both.

The bill would repeal section 612 of the Housing Act of 1949 (42 U. S. C. 1445); section 9A of the Hatch Act (5 U. S. C. 118j); and section 304 of the Labor Management Relations Act (29 U. S. C. 188). Section 612 of the Housing Act is substantially identical in its provisions to H. R. 6590, but is limited in its application to employment in the Housing and Home Finance Agency and the Department of Agriculture. Section 9A of the Hatch Act makes it unlawful for any person employed in the Government "to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States." The only penalty provided is removal from the service, with the provision that appropriated funds shall not thereafter be used to pay the compensation of such person. Section 304 of the Labor Management Relations Act forbids striking by Government employees, requires the discharging of an employee who strikes and the forfeiture of his civil-service status, if any, and makes him ineligible for employment for 3 years.

For some years provisions similar to the proposed legislation have appeared in appropriation acts each year. The Commission believes that H. R. 6590 represents desirable legislation, since it would put such legislation into permanent form, and would also consolidate and supersede the several statutes which now partially cover the subject.

Time has not permitted clearance of this report with the Bureau of the Budget. However, the Bureau advised it had no objection to our report on H. R. 617, a bill similar to H. R. 6590.

By direction of the Commission.

Sincerely,

PHILIP YOUNG, *Chairman.*

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, April 25, 1955.

HON. TOM MURRAY,
*Chairman, Post Office and Civil Service Committee,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 617) to prohibit the employment by the Government of the United States of persons who are disloyal or who believe in the right to strike against the Government of the United States, and for other purposes.

The bill would make it a felony for any person to accept or hold office or employment in the Government of the United States who (1) advocates the overthrow of that Government by force or violence, (2) is a member of an organization that advocates such overthrow, knowing that such organization advocates the same, (3) engages in a strike against the Government, or (4) is a member of an organization of Government employees that asserts the right to strike against the Government.

Section 2 (a) of the measure would provide for the execution, by persons accepting office or employment in the Government of the United States, of affidavits to the effect that their acceptance and holding of such office or employment does not or will not constitute a violation of the bill's prohibitions. Subsection (b) would exempt from the application of subsection (a) persons employed by the Government of the United States for less than 60 days for sudden emergency work involving the loss of human life or the destruction of property. Such persons, however, would not be relieved of liability for a violation of the prohibitions contained in the bill. Section 4 would repeal section 612 of the Housing Act of 1949, a section which, with respect to officers or employees of the Housing and Home Finance Agency and the Department of Agriculture, contains provisions similar to those which would be provided for generally by this measure.

Whether or not this bill should be enacted constitutes a question of policy concerning which the Department of Justice prefers to make no comment. However, there are certain matters to which the attention of the committee is invited.

The prohibitions contained in section 1 of the bill are not new. Under existing law persons entering the employ of the United States are required to execute appointment affidavits which include certifications such as are contemplated by this bill. Likewise, various appropriation acts forbid the use of Government funds to pay officers or employees who fall within any of the categories enumer-

4 PROHIBITING EMPLOYMENT OF PERSONS WHO ARE DISLOYAL

ated in section 1 and provide penalties for the use of Government funds in violation of such prohibitions. Illustrative of other legislation which is concerned with the problem to which the bill is addressed is section 118 (j) of title 5 of the United States Code which provides that it shall be unlawful for any person employed in any capacity by any agency of the Federal government whose compensation or any part thereof is paid from funds authorized or appropriated by any act of Congress to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States. Any person violating the provisions of the section shall be immediately removed from the position or office held by him and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person. Also, section 188 of title 29, United States Code, provides that it shall be unlawful for any individual employed by the United States or any agency thereof, including wholly owned Government corporations, to participate in any strike. If any individual employed by the United States or by any such agency strikes, he shall be discharged immediately from his employment and shall forfeit his civil-service status, if any, and for 3 years shall not be eligible for reemployment by the United States or any such agency.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

C

Calendar No. 1273

84TH CONGRESS
1ST SESSION

H. R. 6590

[Report No. 1256]

IN THE SENATE OF THE UNITED STATES

JULY 19, 1955

Read twice and referred to the Committee on Post Office and Civil Service

JULY 29, 1955

Reported by Mr. JOHNSTON of South Carolina, without amendment

AN ACT

To prohibit the employment by the Government of the United States of persons who are disloyal or who participate in or assert the right to strike against the Government of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That no person shall accept or hold office or employment in
4 the Government of the United States or any agency thereof,
5 including wholly owned Government corporations, who—

6 (1) advocates the overthrow of our constitutional
7 form of government in the United States;

8 (2) is a member of an organization that advocates
9 the overthrow of our constitutional form of government

1 in the United States, knowing that such organization
2 so advocates;

3 (3) participates in any strike or asserts the right
4 to strike against the Government of the United States
5 or such agency; or

6 (4) is a member of an organization of Government
7 employees that asserts the right to strike against the
8 Government of the United States or such agencies,
9 knowing that such organization asserts such right.

10 SEC. 2. (a) Except as provided in subsection (b),
11 every person who accepts office or employment in the
12 Government of the United States after the date of enact-
13 ment of this Act, shall, not later than sixty days after he
14 accepts such office or employment, execute an affidavit
15 that his acceptance and holding of such office or employ-
16 ment does not or (if the affidavit is executed prior to ac-
17 ceptance of such office or employment) will not constitute
18 a violation of the first section of this Act. Such affidavit
19 shall be considered prima facie evidence that the acceptance
20 and holding of office or employment by the person executing
21 the affidavit does not or will not constitute a violation of
22 such section.

23 (b) An affidavit shall not be required from a person
24 employed by the Government of the United States for less
25 than sixty days for sudden emergency work involving the

1 loss of human life or the destruction of property. This sub-
2 section shall not relieve any person from liability for viola-
3 tion of the first section of this Act.

4 SEC. 3. Any person who violates section 1 of this Act
5 shall be guilty of a felony, and shall be fined not more
6 than \$1,000 or imprisoned not more than one year and a
7 day, or both.

8 SEC. 4. The following parts of Acts are hereby repealed:

9 (1) Section 612 of the Housing Act of 1949 (42
10 U. S. C., sec. 1445) ;

11 (2) Section 9A of the Act entitled "An Act to pre-
12 vent pernicious political activities", approved August 2,
13 1939 (5 U. S. C., sec. 118j) ; and

14 (3) Section 305 of the Labor Management Relations
15 Act, 1947, as amended (29 U. S. C., sec. 188) .

Passed the House of Representatives July 18, 1955.

Attest:

RALPH R. ROBERTS,

Clerk.

84TH CONGRESS
1ST SESSION

H. R. 6590

[Report No. 1256]

AN ACT

To prohibit the employment by the Government of the United States of persons who are disloyal or who participate in or assert the right to strike against the Government of the United States, and for other purposes.

JULY 19, 1955

Read twice and referred to the Committee on Post
Office and Civil Service

JULY 29, 1955

Reported without amendment

July 30, 1955

S. 1894, International Finance Corp.; S. 890, water pollution; and possibly S. 2237, flammable fabrics. He said there would not be another call of the Consent Calendar. The Speaker said no bill will be considered Mon. which has not been passed by the Senate, and Rep. Martin agreed with this position. (pp. 10671-2.)

SENATE - July 30

78. ACCOUNTING. Passed without amendment H. R. 7034, which authorizes the Comptroller General to relieve accountable officers of accountability under certain circumstances, and H. R. 7035, which authorizes the Comptroller General to reimburse disbursing officers under certain conditions (pp. 10713-4). These bills will now be sent to the President. For provisions of bills, see Digest 115.
79. EXTENSION WORK. Passed without amendment H. J. Res. 276, to authorize the Texas Hill Country Development Foundation to convey certain land to Kerr County, Tex. (p. 10714). This measure will now be sent to the President.
80. FLOOD CONTROL. Passed without amendment H. R. 6066, authorizing modification of the project for flood protection on the San Joaquin River and tributaries, Calif. (p. 10714). This bill will now be sent to the President.
81. PROPERTY; TAXATION. Passed with amendment H. R. 6182, to amend the Federal Property and Administrative Services Act so as to make temporary provision for payments in lieu of taxes with respect to certain real property transferred by RFC to other Government departments (pp. 10780-1).
Passed as reported S. 2591, to amend the Federal Property and Administrative Services Act so as to provide that GSA shall exercise the authority vested in it with respect to the utilization and disposal of all excess and surplus property, real and personal, which is under the control of any executive agency, without regard to any other law, except that this provision shall not apply to any executive agency in connection with disposal of property under its control when such disposal is made as specifically authorized by law in a particular manner, to a particular class of persons, or for particular program purposes (such as CCC operations) (p. 10713).
82. RECORDS MANAGEMENT. Passed as reported S. 2364, to amend the Federal Property and Administrative Services Act so as to give GSA additional authority over records-management work of the executive departments and agencies (p. 10713).
83. PERSONNEL. Passed without amendment H. R. 6590, to prohibit employment by the Government of persons who are disloyal or who participate in or assert the right to strike against the Government (p. 10782). This bill will now be sent to the President.
At the request of Sen. Bible, passed over S. 2628, the executive pay bill (p. 10782).
84. FLAMMABLE FABRICS. Passed without amendment S. 1455, to amend the Flammable Fabrics Act so as to exempt scarves which do not present an unusual hazard (p. 10788).
85. RICE. Passed as reported S. 2511 (see item 62 above) (p. 10717).
86. FEES AND CHARGES. S. Res. 140, relating to establishment of uniform fees and charges by Government agencies, was referred to the Rules and Administration Committee (p. 10713).

87. FARM CREDIT. Passed as reported H. R. 5168, to provide for retirement of Government capital in certain institutions operated under supervision of FCA, and to increase borrower participation in the management and control of the Federal Farm Credit System (pp. 10722-32). Rejected, 9 to 80, a Williams amendment regarding application of assets on liquidation or dissolution of banks for cooperatives (pp. 10728-32).
88. WATER COMPACT. Concurred in the House amendments to S. 2260, consenting to a compact among Ark., La., Okla., and Tex. for an apportionment of the waters of the Red River and its tributaries (p. 10735). This bill will now be sent to the President.
89. MINING; PUBLIC LANDS. Passed with amendment H. R. 6994, to provide for entry and location, on discovery of a valuable source material, upon public lands classified as or known to be valuable for coal, etc. (pp. 10782-4).
90. FOOD AND AGRICULTURE ORGANIZATION. Began debate on S. J. Res. 97, to increase the limitation on the U. S. contribution to FAO from \$2 million to \$3 million annually (pp. 10792-6). Pending is an Ellender amendment to limit U. S. increases to the average percentage by which contributions of other countries are increased.
91. RECLAMATION. Passed without amendment H. R. 4663, to authorize the Trinity River division, Central Valley project, Calif. (pp. 10796-802). This bill will now be sent to the President.
Sen. Watkins inserted his statement and various exhibits favoring the proposed upper Colo. River project (pp. 10699-705).
92. HOUSING. Received a report by the Banking and Currency Committee on its study of Federal housing programs (S. Rept. 1281) (p. 10680).
93. ADJOURNED until Mon., Aug. 1 (p. 10809).

ITEM IN APPENDIX - July 30

94. ROADS. Extension of remarks of Rep. Mack, Wash., favoring the President's road program (p. A5642).

BILLS INTRODUCED - July 30

95. WHEAT TARIFF. H. R. 7750, by Rep. Bentley, to amend the Tariff Act to apply the same duty to wheat unfit for human consumption as applies to all other wheat; to Ways and Means Committee (p. 10677).
96. PERSONNEL. H. R. 7760, by Rep. Gubser, to provide for rates of pay for Federal personnel in appropriate relationship to local prevailing rates; to Post Office and Civil Service Committee (p. 10677).
97. FOOD ADDITIVES. H. R. 7764, by Rep. O'Hara, Minn., to prohibit new food additives which have not been adequately pretested to establish their safe use; to Interstate and Foreign Commerce Committee (p. 10677).
98. SOIL CONSERVATION. H. R. 7769, by Del. Farrington, to extend the Watershed and Flood Prevention Act to Alaska, Hawaii, and Puerto Rico; to Agriculture Committee (p. 10677).
99. COTTON. S. 2702, by Sen. Thurmond (for himself and 60 others), to encourage t

he completes the arbitrage transaction rather than from the time he purchased his stock. This bill provides that the holding period of securities not involved in the arbitrage operation will not be affected by the arbitrage operation under the conditions provided in the bill.

The Finance Committee added an additional provision to this bill. The definition of a personal holding company includes a corporation if during the last half of the taxable year more than 50 percent of its stock is owned by not more than 5 individuals. Charitable trusts are generally considered as individuals in applying this test of stockownership. This provision will consider charitable trusts not to be individuals for purposes of this test if the trust was created before July 1, 1950, and if the trust has owned, since that time and until the close of the taxable year, all of the common stock and at least 80 percent of the stock of all other classes of the corporation whose status as a personal holding company or otherwise is being determined. The restrictions of 504 (a) (2) and (a) (3) and section 681 (c) (2) and (3) which prevent charitable trusts from being utilized to defeat the purpose for which the charitable exemption was granted or to jeopardize the interest of the charitable beneficiaries are made applicable.

This bill was reported out unanimously by the Ways and Means Committee and passed the House of Representatives on the Consent Calendar.

Mr. DOUGLAS. Mr. President, I should like to have a little more detailed discussion of the practical effect of the first part of the bill. I looked up the definition of "arbitrage" in the dictionary, and it is what I thought it was. It is as follows:

Simultaneous, or nearly simultaneous, purchasing, as of commodities and securities or bills of exchange, in one market where the price is lower than in another, and selling in the other.

Mr. BYRD. If the Senator will refer to the Senate report on the bill, page 2, he will see an example.

Mr. DOUGLAS. What will be the practical effect? The bill adds a new title F to section 1233. What will be the practical effect upon revenues and upon exemptions of these provisions?

Mr. BYRD. I am advised by the staff that there will be practically no effect on the revenues.

Mr. DOUGLAS. Is the bill designed to fit a special case or a group of special cases?

Mr. BYRD. It is to fit all transactions. I think if the Senator will read the example on page 2 of the report, it will give him some idea of the purpose of the bill.

Mr. DOUGLAS. Is that the one which is in fine print?

Mr. BYRD. It gives an explanation of the arbitrage operations.

Mr. DOUGLAS. I was merely asking the Senator from Virginia to identify the example. Is that the material in fine print?

Mr. BYRD. Yes; the material in fine print, which explains the purpose.

Mr. DOUGLAS. Are these held to be short sales, or are they now defined not to be short sales?

Mr. BYRD. They are held to be short sales, merely because the stocks are first purchased. I think the example very thoroughly explains the purpose.

Mr. DOUGLAS. Does the bill change the rate of taxation upon those who engage in the practice of selling bonds and stock against each other?

Mr. BYRD. It does not change the rate of taxation. I read the ruling of the Internal Revenue Service, which appears on page 2 of the report:

Certain bonds traded in on the New York Stock Exchange are convertible at the option of the holder, into common stock of the issuing corporation. The market price of the bonds tends to fluctuate in direct relation to the market price of the stock. At times, however, there is a slight difference in the relative market prices of the bonds and stock. When the price of the bonds is down, in relation to the price of the stock, members of the exchange buys the bonds at the market price and as nearly simultaneously as possible sell the stock into which the bonds are convertible. The bonds purchased are then converted and the stock so received is used to close the sale. These transactions are known as arbitrage operations. Held, sales of stock in the manner described constitute short sales within the purview of section 117 (1) of the Internal Revenue Code.

Mr. DOUGLAS. The Senator from Illinois is probably stupid, but he does not understand the effect of what is sought to be done.

Mr. BYRD. I will admit that the bill is quite complicated. If the Senator would prefer to have the bill go to the foot of the calendar, in order to secure further information, I shall be glad to suggest that that be done.

Mr. DOUGLAS. I thank the Senator.

Mr. BYRD. Mr. President, I ask that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, Calendar 1272, House bill 6263, will go to the foot of the calendar.

PROHIBITION OF EMPLOYMENT BY THE UNITED STATES OF DISLOYAL PERSONS

The bill (H. R. 6590) to prohibit the employment by the Government of the United States of persons who are disloyal or who participate in or assert the right to strike against the Government of the United States, and for other purposes, was announced as next in order.

Mr. McNAMARA. May we have an explanation of the bill?

Mr. JOHNSTON of South Carolina. The bill does not entail the passage of anything new; it is simply a codification of provisions in previous appropriation bills. Every year we recodify them in order to simplify recourse to the laws.

Mr. HOLLAND. I thoroughly approve of the statement of the chairman of the committee. Not only on appropriation bills have these provisions been enacted since 1946; but this bill incorporates the language contained in section 612 of the Housing Act of 1949, section 9 (a) of the Hatch Act, and section 305 of the Labor-Management Relations Act of 1947; and it repeals the provisions in all those bills so as to have them in one place, properly codified.

I congratulate the Senator upon the work of his committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

THE EXECUTIVE PAY ACT OF 1955— BILL PASSED OVER

The bill (S. 2628) to increase rates of compensation of the heads and assistant heads of executive departments and independent agencies, and for other purposes, was announced as next in order.

Mr. BIBLE. Over.

The PRESIDING OFFICER. The bill will be passed over.

HENRY T. QUISENBERRY

The bill (H. R. 4508) for the relief of Henry T. Quisenberry was considered, ordered to a third reading, read the third time, and passed.

ENTRY AND LOCATION UPON PUBLIC LANDS OF THE UNITED STATES

The Senate proceeded to consider the bill (S. 2629) to provide for entry and location, on discovery of a valuable source material upon public lands of the United States classified as or known to be valuable for coal, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after then enacting clause and insert:

That, subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, public lands of the United States classified as or known to be valuable for coal subject to disposition under the mineral leasing laws and which are open to location and entry subject to the conditions and provisions of the act of August 13, 1954 (68 Stat. 708), unless embraced within a coal prospecting permit or lease, shall also be open to location and entry under the mining laws of the United States upon the discovery of a valuable source material occurring within any seam, bed, or deposit of lignite in such lands: *Provided*, That a copy of the notice of any mining location made for source material occurring in any such bed, seam, or deposit, shall be filed for record in the land office of the Bureau of Land Management for the State in which the claim is situated within 90 days after the date of its location: *Provided further*, That the claimant to any such mining location shall report annually to the Mining Supervisor of the Geological Survey the amount of lignite mined or stripped in the recovery of such valuable source material during each calendar year and tender payment to him of 10 cents per ton thereon. Any mineral patents issued hereunder shall be made subject to the recording and payment requirements of this section and shall contain a reservation to the United States of all Leasing Act minerals owned by the United States other than lignite containing valuable source material and lignite necessary to be stripped or mined in the recovery of such material. Mining claims located and mineral patents issued under the provisions of this act shall not include rights to lignite not containing valuable source material except

tion of this nature. The Committee on Government Operations has held hearings on the measure, under the chairmanship of the distinguished Senator from Arkansas [Mr. McCLELLAN], as well as in a subcommittee headed by the Senator from Minnesota [Mr. HUMPHREY]. It is my understanding that it is the intention of the committee in the next session of Congress to report permanent legislation. This is stopgap legislation, to take care of communities which are seriously affected, in order to give them some immediate relief from a situation from which they have suffered for some time.

There may be some ground for the fears of the distinguished Senator from Massachusetts. However, this is not permanent legislation, and certainly it could result in a situation worse than that which exists today because of the actions of various Government departments.

Mr. SALTONSTALL. That is correct. I was wondering whether the Senator from Arkansas would be in a position to have section 704, subparagraph 1 deleted, and leave in the bill subparagraph 2, so that the property owned by the Government would not be subject to any lien or attachment, but the interest would still accrue. Would there be any objection to striking out that paragraph? I would not want to do it if it would jeopardize the passage of the bill, but I think it would be fairer and would still give the Government protection.

Mr. POTTER. It is a question of applying penalties to the Federal Government.

Mr. SALTONSTALL. I do not like the word "penalties." In many instances, the communities affected need the money very badly. If they do not get the money, they have to borrow money themselves to pay the bills.

Mr. MUNDT. Mr. President, will the Senator from Massachusetts yield?

Mr. SALTONSTALL. I yield, if I have the floor.

Mr. MUNDT. I hope the Senator will not press the amendment, because, very frankly, as a member of the committee I was disinclined to go along with the bill, except for the emergency situation. It was with some forebodings that I attached my name to the report on the bill in its present form.

Mr. SALTONSTALL. This is a temporary bill. I shall not press my amendment, because, if there is any value in it, it can be brought up at the next session.

Mr. MUNDT. As the Senator from Michigan has brought out, we expect to have some overall legislation covering the question. That is one reason why I was disinclined to go along with this bill, but because of the appeals made by the Senator from Michigan and others I was prevailed upon in the interim period not to oppose the bill.

Mr. SALTONSTALL. I am glad the gentlemen were persuasive, because it is a matter of importance to several communities in my State which have suffered. It is a very difficult problem.

Mr. MUNDT. There was some discussion sometime ago about taking the Government out of business. It occurred to me that this would be a good place to start to encourage Congress to get the

Government out of business. But I am willing to approve this temporary legislation.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. ERVIN. Mr. President, there is an identical House bill, I think.

Mr. POTTER. Mr. President, that is correct.

Mr. ERVIN. Mr. President, I ask that the House bill be laid before the Senate.

The PRESIDING OFFICER laid before the Senate bill (H. R. 6182) to amend the Federal Property and Administrative Services Act of 1949 to make temporary provision for making payments in lieu of taxes with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments, which was read twice by its title.

Mr. ERVIN. I move that the Senate proceed to the consideration of the House bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to; and the Senate proceeded to consider House bill 6182.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. What is the bill which is now before the Senate?

The PRESIDING OFFICER. House bill 6182. The Chair is advised that it is identical with the Senate bill.

Mr. ERVIN. Mr. President, I ask unanimous consent that the House bill may be amended by striking out all after the enacting clause and inserting the Senate bill as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H. R. 6182) was read the third time and passed.

AMENDMENT OF SECTION 112 (N) (8) OF THE INTERNAL REVENUE CODE OF 1939

The Senate proceeded to consider the bill (H. R. 257) to amend section 112 (n) (8) of the Internal Revenue Code of 1939, to provide that in certain cases of a sale or exchange of a taxpayer's residence, certain periods of limitation shall not run against the taxpayer while he is on extended active duty in the Armed Forces, which had been reported from the Committee on Finance with an amendment on page 2, after line 5, to insert:

SEC. 3. The Internal Revenue Code of 1954 is amended by adding a new section to chapter 1 of subtitle A immediately following section 1341 to read as follows:

"SEC. 1342. Computation of tax where taxpayer recovers substantial amount held by another under claim of right.

"(a) General rule: If—

"(1) an item was deducted from gross income for a prior taxable year (or years) be-

cause it appeared that another person held an unrestricted right to such item as a result of a court decision in a patent infringement suit (whether or not the taxpayer is a party to such suit); and

"(2) gross income is increased for the taxable year because it was established after the close of such prior taxable year (or years) that such other person did not have an unrestricted right to such item or to a portion of such item because of the subsequent reversal of such court decision on the ground that such decision was induced by fraud or undue influence; and

"(3) the amount of such increase in gross income exceeds \$3,000, then the tax imposed by this chapter for the taxable year shall be the lesser of the following:

"(4) the tax for the taxable year computed with the gross income so increased; or

"(5) an amount equal to—

"(A) the tax for the taxable year computed without such increase in gross income, plus

"(B) the increase in tax (including interest) under this chapter (or the corresponding provisions of prior revenue laws) for the prior taxable year (or years) which would result solely from the elimination of such item (or portion thereof) as a deduction from gross income for such prior taxable year (or years).

"(b) Special rule: For the purposes of subsection (a) (5) (B) interest shall be computed from the due date of the return for such prior taxable year to the due date of the return for the taxable year."

SEC. 4. The amendment made by section 3 of this act shall apply with respect to taxable years beginning after December 31, 1954.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend section 112 (n) (8) of the Internal Revenue Code of 1939, relating to the suspension of certain periods of limitation while the taxpayer is on extended active duty with the Armed Forces, and to amend the Internal Revenue Code of 1954 with respect to tax treatment where the taxpayer recovers amounts held by another under claim of right."

AMENDMENT OF SECTION 1233 OF THE INTERNAL REVENUE CODE OF 1954

The bill (H. R. 6263) to amend section 1233 of the Internal Revenue Code of 1954 was announced as next in order.

Mr. DOUGLAS. Mr. President, may we have an explanation of the bill?

Mr. BYRD. Mr. President, this bill has two major provisions. The first provision relates to arbitrage operations in securities; that is, the purchase of one security and the almost simultaneous sale of another security into which the security purchased was convertible. Ordinarily, these transactions involve the purchase of convertible bonds and the sale of the stock into which the bonds may be converted. The bonds are then converted into stock and delivered to complete the transaction. Under present law, this type of transaction has been held to be a short sale and the taxpayer is required to compute the holding period of other stock of the type sold, which he is holding for investment, from the time

Public Law 330 - 84th Congress
Chapter 690 - 1st Session
H. R. 6590

AN ACT

To prohibit the employment by the Government of the United States of persons who are disloyal or who participate in or assert the right to strike against the Government of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall accept or hold office or employment in the Government of the United States or any agency thereof, including wholly owned Government corporations, who—

Government employment.
Disloyalty prohibition, etc.

(1) advocates the overthrow of our constitutional form of government in the United States;

(2) is a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates;

(3) participates in any strike or asserts the right to strike against the Government of the United States or such agency; or

(4) is a member of an organization of Government employees that asserts the right to strike against the Government of the United States or such agencies, knowing that such organization asserts such right.

SEC. 2. (a) Except as provided in subsection (b), every person who accepts office or employment in the Government of the United States after the date of enactment of this Act, shall, not later than sixty days after he accepts such office or employment, execute an affidavit that his acceptance and holding of such office or employment does not or (if the affidavit is executed prior to acceptance of such office or employment) will not constitute a violation of the first section of this Act. Such affidavit shall be considered prima facie evidence that the acceptance and holding of office or employment by the person executing the affidavit does not or will not constitute a violation of such section.

Affidavit.

69 Stat. 624.
69 Stat. 625.

(b) An affidavit shall not be required from a person employed by the Government of the United States for less than sixty days for sudden emergency work involving the loss of human life or the destruction of property. This subsection shall not relieve any person from liability for violation of the first section of this Act.

Emergency work.

SEC. 3. Any person who violates section 1 of this Act shall be guilty of a felony, and shall be fined not more than \$1,000 or imprisoned not more than one year and a day, or both.

Penalty.

Repeals.

SEC. 4. The following parts of Acts are hereby repealed:

(1) Section 612 of the Housing Act of 1949 (42 U. S. C., sec. 1445);
(2) Section 9A of the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939 (5 U. S. C., sec. 118j); and

63 Stat. 444.

53 Stat. 1148.

(3) Section 305 of the Labor Management Relations Act, 1947, as amended (29 U. S. C., sec. 188).

61 Stat. 160.

Approved August 9, 1955.

